



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
KEITH W. COOLEY
DIRECTOR

Michigan Occupational
Safety & Health Administration
(MIOsha)

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

March 14, 2007--9:30 A.M.

**State Secondary Complex, 7150 Harris Drive, Lansing
General Office Building, Conference Room B**

MINUTES

MEMBERS PRESENT:

Mr. Andrew J. Comai
Mr. Gary Novak
Mr. David Glynn
Ms. Margie Faville
Mr. John Miller
Mr. Ronald Torbert

MEMBERS ABSENT:

Mr. James B. Cianciolo
Chief Ricardo Longoria
Mr. Satyam Talati

DEPARTMENT PERSONNEL PRESENT:

Ms. Martha Yoder	Deputy Director, MIOsha
Mr. John Peck	Director, Management & Technical Services Div.
Ms. Marsha Parrott-Boyle	Program Manager, Standards Section
Ms. Sue Baldwin	Industrial Hygienist, Construction Safety & Health Div.
Mr. John Brennan	Director, General Industry Safety & Health Division
Ms. Elaine Clapp	Safety & Health Manager, GI Safety & Health Division
Ms. Cindy D. Eicher	Secretary, Standards Section

VISITORS ATTENDING:

Ms. Norma Kersting

Agenda Item #1—Call to Order, Roll Call

Ms. Marsha Parrott-Boyle announced that Commissioner Andrew Comai was attending the meeting via teleconferencing equipment as he was out of state on business.

The March 14, 2007 Occupational Health Standards Commission meeting was called to order by Ms. Marsha Parrott-Boyle. A roll call was taken and a quorum was present.

Ms. Parrott-Boyle advised the commission that she had recently received a resignation letter from Commissioner Gary Novak as he is transferring to a position in Georgia with his employer. The commissioners and staff congratulated him on his move and thanked him for his dedication to the commission during the time he served.

Agenda Item #2—Elections of 2007 Chairs

Ms. Parrott-Boyle asked for nominations for Chairperson.

A motion was made by Commissioner Comai and seconded by Commissioner Torbert to nominate Commissioner Faville as chairperson. Commissioner Faville accepted the nomination

MOTION CARRIED UNANIMOUSLY.

Ms. Parrott-Boyle asked for nominations for vice chairperson.

A motion was made by Commissioner Torbert and seconded by Commissioner Faville to nominate Commissioner Glynn as vice chairperson. Commissioner Glynn accepted the nomination. **MOTION**

CARRIED UNANIMOUSLY.

Marsha Parrott-Boyle turned the meeting over to Chairperson Faville.

Agenda Item #3—Approval of Minutes for December 6, 2006 Meeting

A motion was made by Commissioner Glynn and was seconded by Commissioner Novak to approve the minutes of the December 6, 2006 Commission meeting.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #4—Standards Section Update—Marsha Parrott-Boyle, Program Manager

Ms. Parrott-Boyle reminded the commissioners that MIOSHA is in the fourth year of a five year strategic plan for fiscal years 2004 through 2008. She reviewed with the commission the two items that had been added to the back log list this year as well as the two standards that had been completed and removed from the backlog. Ms. Parrott-Boyle also reviewed in detail the list of the standards currently being revised, their priority and their progress. She informed the commission that the Ergonomics Standard Advisory Committee is continuing to make progress on the appendices and developing recommendations for other education resources. The Latex Advisory Committee continues to meet and has held four meetings so far.

Agenda Item #5—Old Business**a. OH Part 350 Carcinogen**

Ms. Marsha Parrott-Boyle reviewed with the commissioners some errors and corrections that needed to be made to this standard including a numbering error and replacing an exemption that was removed last time the standard was revised. This standard was originally adopted by reference in 1975 when MIOSHA was created. Later federal OSHA removed the section dealing specifically with laboratory activities pursuant to a court order directing they remove it. Discussion was held on whether or not MIOSHA needed to do the same. Question was raised as to the basis of the court decision. This matter will be taken up again when that can be determined.

Ms. Parrott-Boyle reviewed OSHA Standard Improvements Project – Phase II published in the Federal Register 1/25/05. This document contains a list of OSHA revisions which states were not required to adopt. After further discussion, a motion was made by Commission Miller and seconded by Commissioner Torbert to set aside the non-mandatory OSHA Phase II revisions of January 5, 2005 until a time when substantial revisions are being considered. **MOTION CARRIED UNANIMOUSLY.**

One of the items on the Phase II Standard Improvements list affected OH Part 350 Carcinogens which is under discussion for substantial revisions at this time. Federal OSHA removed a section which covered reporting of operations and release incidents. Some Industries have expressed support to adopt these Phase II revisions in order to maintain consistency throughout the states. MIOSHA chemical unit staff who are familiar with and use this standard frequently were asked their opinion and it was the consensus that they felt we should keep this section as the reporting of release incidents has been helpful in identifying problems in the past. A motion was made by Commissioner Miller and seconded by Commissioner Glynn to retain Rule (10) [of Rule 325.35010, Reports] that covers reporting of operations and release incidents in Part 350 Carcinogens. **MOTION CARRIED UNANIMOUSLY.**

b. OH Part 528 Spray Finishing Operations
OH Part 526 Open Surface Tanks

The commissioners received a hard copy of a power point presentation that outlined the background and the basis for the changes to these standards. Ms. Parrott Boyle reviewed with the commissioners that there are currently two standards that address spray finishing, GI Part 76 (safety) and OH Part 528 (health). In 1975 when these standards were created there were two different state departments enforcing these two standards. Now we are combined into one department and one agency enforcing two separate standards. These standards overlap and by combining them we can eliminate overlaps and simplify the information for employers and consultants. MIOSHA staff has worked on and proposes to have one standard cover all spray finishing operations (Part 76 Spray Finishing Using Flammable and Combustible Materials); one standard to cover dipping and coating operations (OH Part 526, Dipping and Coating Operations) and to rescind Part 528 Spray Finishing Operations. A motion was made by Commissioner Torbert and seconded by Commissioner Glynn to consolidate all spray finishing provisions (from OH Part 528) into General Industry Part 76 and rescind Spray Finishing OH Part 228. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Novak and seconded by Commissioner Miller to include all Dipping and Coating Operation safety provisions into OH 526 from GI Part 76 for the purpose of consolidation by adopting by reference 1910.122 to 1910.126. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #6—New Business

None.

Agenda Item #7-Constuction S&H Div. Update-Sue Baldwin, Industrial Hygienist Specialist

Ms. Sue Baldwin stated there have been five fatalities in the construction field investigated by the Construction Safety and Health Division since this commission last met. Construction Safety & Health Division (CSHD) investigated a total of 26 program related fatalities in 2006; they broke down to be 9 falls, 3 cave-ins, 3 electrocutions, 2 explosions, 5 struck-by, 1 chemical exposure and 3 caught-by incidents. So far in 2007 there have been two fatalities, which were both falls.

Ms. Baldwin reviewed with the commissioners a recent significant enforcement case, Maco Concrete, Inc. One employee of the company died and another was seriously injured when a trench they were working in caved in.

Ms. Baldwin informed the commissioners that the CSHD conducted 3,153 inspections and issued 6,604 violations during fiscal year 2006, including 175 inspections and 231 violations by the Asbestos Program and 346 residential construction inspections.

The CSHD has posted on the MIOSHA website 18 "Construction Fact Sheets". The latest ones posted that deal with occupational health issues are Exposure to Hexavalent Chromium and Isocyanate Exposure in Construction.

Ms. Baldwin advised that CSHD currently has 4 positions open, two safety supervisor positions and two field compliance safety officer positions.

Agenda Item #8—General Industry Safety & Health Division Update—John Brennan, Director

Mr. John Brennan informed the Commissioners that in 2006 there were 26 fatalities under the GI jurisdiction and so far there have been 5 in 2007.

Mr. Brennan stated that they are providing advanced training for the division's Ergonomic Specialist who regularly attends Ergo Seminar and he is currently attending a National Ergonomics Conference in Dallas, Texas. Field inspectors are including ergonomic recommendations during all inspections where appropriate.

GISHD has just issued a new complaint process and managers and supervisors will be trained on this on March 29, 2007. MIOSHA has issued an instruction regarding the Hexavalent Chromium standard that is patterned after the OSHA settlement agreements.

Mr. Brennan advised that he and Martha Yoder had met with representatives from Michigan Sugar this week and they are close to reaching an agreement for a partnership.

Mr. Brennan informed the commission that the GI Safety and Health Manager position had been filled by Mike Mason.

Agenda Item #9—MIOSHA Update – Martha Yoder, Deputy Director, MIOSHA

Ms. Martha Yoder expanded on the proposed partnership with Michigan Sugar. Michigan Sugar was originally a significant case with numerous violations and a high penalty. As part of their settlement agreement Michigan Sugar agreed to use the findings on the inspection conducted at one of their location to due a self inspection at their other locations.

Ms. Yoder announced that Doug Kalinowski had returned to MIOSHA as the director after serving for several months as acting deputy director for the department. Therefore she has returned to her position as MIOSHA's deputy director and John Peck to his position as director of the Management and Technical Services Division. Ms. Yoder also informed the commissioners that The Department of Labor and Economic Growth Director Robert W. Swanson will retire at the beginning of next month and a new director had been appointed, Mr. Keith W. Cooley from Project Hope, a recent recipient of a CET award.

MIOSHA is continuing its efforts to do a better job of coordination between the two enforcement division and the consultation division through Connecting MIOSHA to Industry. One main issue continues to be what a GI enforcement officer should do if they arrive for an inspection and discover that the employer is working with CET.

Ms. Yoder advised that work continue on setting up the MIOSHA Training Institute. The target date is to start in October 2007 and to add an advance level in 2008. There will be two different tracks, one for construction and one for general industry.

MIOSHA has scheduled training for all field staff and supervisors on March 27, 2007 on the Field Operations Manual (FOM). There were significant changes made to this document which will be distributed to staff at the training.

Ms. Yoder offered to the commissioners the FOM manual and the MIOSHA annual briefing book if they desire to receive those publications. Both publications are updated annually.

Agenda Item #10—Federal OSHA Update – Ms. Cynthia Hutchens-Smith

Ms. Hutchens-Smith was unable to attend the meeting.

Agenda Item #11—Next Meeting

The next meeting will be held on June 13, 2007 at the General Office Building, 7150 Harris Drive, Lansing in Conference Room B at 9:30.

Agenda Item #12—Public Comment

None

Agenda Item #13—Adjournment

A motion was made by Commissioner Glynn and was seconded by Commissioner Novak that with no further business before the Commission, the meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

Ms. Margie Faville, Chairperson

Date